



DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-1999-6480; FMCSA-2000-7006; FMCSA-2000-7363; FMCSA-2000-8398; FMCSA-2001-10578; FMCSA-2002-12294; FMCSA-2002-13411; FMCSA-2004-19477; FMCSA-2005-23238; FMCSA-2006-24783; FMCSA-2006-26066; FMCSA-2008-0021; FMCSA-2008-0266; FMCSA-2008-0340; FMCSA-2009-0011; FMCSA-2009-0303; FMCSA-2010-0187; FMCSA-2010-0354; FMCSA-2010-0385; FMCSA-2011-0276; FMCSA-2011-0379; FMCSA-2012-0161; FMCSA-2012-0339; FMCSA-2013-0174; FMCSA-2014-0002; FMCSA-2014-0003; FMCSA-2014-0006; FMCSA-2014-0007; FMCSA-2014-0299; FMCSA-2014-0300; FMCSA-2014-0301; FMCSA-2016-0027; FMCSA-2016-0031; FMCSA-2016-0033; FMCSA-2016-0210; FMCSA-2016-0212; FMCSA-2018-0207; FMCSA-2018-0209]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to renew exemptions for 53 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) for interstate commercial motor vehicle (CMV) drivers. The exemptions enable these individuals to continue to operate CMVs in interstate commerce without meeting the vision requirement in one eye.

DATES: Each group of renewed exemptions were applicable on the dates stated in the discussions below and will expire on the dates provided below.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366-4001, fmcsamedical@dot.gov, FMCSA, Department of Transportation, 1200 New Jersey Avenue, SE, Room W64-224,

Washington, DC 20590-0001. Office hours are from 8:30 a.m. to 5 p.m., ET, Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Dockets Operations, (202) 366-9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Viewing Comments

To view comments go to www.regulations.gov. Insert the docket number, FMCSA-1999-6480, FMCSA-2000-7006, FMCSA-2000-7363, FMCSA-2000-8398, FMCSA-2001-10578, FMCSA-2002-12294, FMCSA-2002-13411, FMCSA-2004-19477, FMCSA-2005-23238, FMCSA-2006-24783, FMCSA-2006-26066, FMCSA- 2008-0021, FMCSA-2008-0266, FMCSA-2008-0340, FMCSA-2009-0011, FMCSA-2009-0303, FMCSA-2010-0187, FMCSA-2010-0354, FMCSA-2010-0385, FMCSA-2011-0276, FMCSA-2011-0379, FMCSA-2012-0161, FMCSA-2012-0339, FMCSA-2013-0174, FMCSA-2014-0002, FMCSA-2014-0003, FMCSA-2014-0006, FMCSA-2014-0007, FMCSA-2014-0299, FMCSA-2014-0300, FMCSA-2014-0301, FMCSA-2016-0027, FMCSA-2016-0031, FMCSA-2016-0033, FMCSA-2016-0210, FMCSA-2016-0212, FMCSA-2018-0207, or FMCSA-2018-0209 in the keyword box, and click “Search.” Next, sort the results by “Posted (Newer-Older),” choose the first notice listed, and click “Browse Comments.” If you do not have access to the internet, you may view the docket online by visiting Dockets Operations in Room W12-140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue, SE, Washington, DC 20590-0001, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366-9317 or (202) 366-9826 before visiting Dockets Operations.

B. Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at www.transportation.gov/privacy.

II. Background

On February 1, 2021, FMCSA published a notice announcing its decision to renew exemptions for 53 individuals from the vision requirement in 49 CFR 391.41(b)(10) to operate a CMV in interstate commerce and requested comments from the public (86 FR 7769). The public comment period ended on March 3, 2021, and two comments were received.

FMCSA has evaluated the eligibility of these applicants and determined that renewing these exemptions would achieve a level of safety equivalent to, or greater than, the level that would be achieved by complying with the current regulation § 391.41(b)(10).

The physical qualification standard for drivers regarding vision found in § 391.41(b)(10) states that a person is physically qualified to drive a CMV if that person has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of at least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing red, green, and amber.

III. Discussion of Comments

FMCSA received two comments in this proceeding. An anonymous individual submitted a comment stating that commercial drivers should be held to stricter driving requirements, including acceptable vision in both eyes, due to their hours of work.

Another anonymous individual submitted a comment disagreeing with the Agency's decision to grant the exemptions citing safety concerns.

FMCSA evaluated the eligibility of each of these applicants and determined that granting the exemptions would result in a level of safety that is equal to, or greater than, that which would exist without the exemptions. As discussed in Section IV: Basis for Renewing Exemptions of the Request for Comment Notice published on February 1, 2021 (86 FR 7769), each individual possesses a valid license to operate a CMV, and each individual has submitted evidence that he or she has continued to safely operate a CMV in interstate commerce for a 2-year period with their exemption. These factors provide an adequate basis for predicting each driver's ability to continue to drive safely in interstate commerce.

IV. Conclusion

Based on its evaluation of the 53 renewal exemption applications and comments received, FMCSA confirms its decision to exempt the following drivers from the vision requirement in § 391.41(b)(10).

In accordance with 49 U.S.C. 31136(e) and 31315(b), the following groups of drivers received renewed exemptions in the month of March and are discussed below. As of March 1, 2021, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following 44 individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (64 FR 68195; 65 FR 20245; 65 FR 20251; 65 FR 45817; 65 FR 57230; 65 FR 77066; 66 FR 53826; 66 FR 66966; 67 FR 38311; 67 FR 46016; 67 FR 57266; 67 FR 57267; 68 FR 1654; 68 FR 69434; 69 FR 26921; 69 FR 52741; 69 FR 64806; 69 FR 71098; 70 FR 2705; 70 FR 7545; 70 FR 44946; 70 FR 53412; 70 FR 74102; 71 FR 5105; 71 FR 19600; 71 FR 27033; 71 FR 32184; 71 FR 32185; 71 FR 41311; 71 FR 53489; 71 FR 63379; 72 FR 1051; 72 FR 1054; 72 FR 1056; 73 FR 11989; 73 FR 15567; 73 FR 27015;

73 FR 28186; 73 FR 42403; 73 FR 51336; 73 FR 51689; 73 FR 63047; 73 FR 75803;
73 FR 76439; 73 FR 78421; 73 FR 78423; 74 FR 6209; 74 FR 60021; 74 FR 60022;
75 FR 4623; 75 FR 9480; 75 FR 13653; 75 FR 19674; 75 FR 22176; 75 FR 27623;
75 FR 38602; 75 FR 47883; 75 FR 52062; 75 FR 63257; 75 FR 64396; 75 FR 72863;
75 FR 77492; 75 FR 79079; 75 FR 79083; 75 FR 79084; 76 FR 2190; 76 FR 4413;
76 FR 5425; 76 FR 67248; 76 FR 75942; 76 FR 79761; 77 FR 543; 77 FR 15184;
77 FR 17107; 77 FR 17108; 77 FR 23797; 77 FR 27850; 77 FR 29447; 77 FR 41879;
77 FR 52389; 77 FR 52391; 77 FR 60010; 77 FR 64582; 77 FR 74273; 77 FR 74734;
77 FR 75496; 77 FR 76166; 78 FR 800; 78 FR 1919; 78 FR 11731; 78 FR 12817;
78 FR 67452; 78 FR 67460; 78 FR 76707; 79 FR 1908; 79 FR 10606; 79 FR 14333;
79 FR 14571; 79 FR 17642; 79 FR 18391; 79 FR 22003; 79 FR 23797; 79 FR 27043;
79 FR 28588; 79 FR 35212; 79 FR 37842; 79 FR 38659; 79 FR 38661; 79 FR 41735;
79 FR 46300; 79 FR 47175; 79 FR 53514; 79 FR 56104; 79 FR 73397; 79 FR 73686;
79 FR 73687; 79 FR 74169; 80 FR 603; 80 FR 2473; 80 FR 3723; 80 FR 8751;
80 FR 9304; 80 FR 18693; 80 FR 67481; 81 FR 15401; 81 FR 20433; 81 FR 20435;
81 FR 26305; 81 FR 28138; 81 FR 52514; 81 FR 59266; 81 FR 66724; 81 FR 68098;
81 FR 71173; 81 FR 72664; 81 FR 74494; 81 FR 80161; 81 FR 81230; 81 FR 86063;
81 FR 90050; 81 FR 91239; 81 FR 94013; 81 FR 96165; 81 FR 96196; 82 FR 12683;
82 FR 13043; 82 FR 13048; 83 FR 2306; 83 FR 6919; 83 FR 15195; 83 FR 28325;
83 FR 28332; 83 FR 34661; 83 FR 53724; 83 FR 56140; 83 FR 56902; 84 FR 2309;
84 FR 2311; 84 FR 2314; 84 FR 16320):

Kurtis A. Anderson (SD)	Alan A. Andrews (NE)	Teddy S. Bioni (PA)
Duane N. Brojer (NM)	Chad L. Burnham (ME)	Derric D. Burrell (AL)
Laurence R. Casey (MA)	Thomas A. Crowell (NC)	Kevin J. Embrey (IN)
Douglas K. Esp (MT)	Liam F. Gilliland (MA)	Gary A. Goostree (OH)
Brian G. Hagen (IL)	Todd M. Harguth (MN)	Guadalupe J. Hernandez (IN)

Clarence K. Hill (NC)	Justin A. Hooper (MO)	Samuel L. Klaphake (MN)
Dennis E. Krone (IL)	John C. Lewis (SC)	Ernest B. Martin (KY)
Terrence L. McKinney (TX)	Norman Mullins (OH)	Robert H. Nelson (VA)
Lance C. Phares (NY)	Jack E. Potts, Jr. (PA)	Don C. Powell (NY)
Monte L. Purciful (IN)	Luis Ramos (FL)	George S. Rayson (OH)
Charles D. Reddick (GA)	Antonio Rivera (PA)	Ricky D. Rostad (MN)
Julius Simmons, Jr. (SC)	William T. Smiley (MD)	Michael G. Somma (NY)
Joshua R. Stanley (OK)	Douglas R. Strickland (NC)	David M. Taylor (MO)
Bruce A. Walker (WI)	Scott C. Westphal (MN)	Edward C. Williams (AL)
Steven E. Williams (GA)	Olen L. Williams, Jr. (TN)	

The drivers were included in docket number FMCSA-1999-6480; FMCSA-2000-7006; FMCSA-2000-7363; FMCSA-2001-10578; FMCSA-2002-12294; FMCSA-2004-19477; FMCSA-2005-23238; FMCSA-2006-24783; FMCSA-2006-26066; FMCSA-2008-0021; FMCSA-2008-0266; FMCSA-2008-0340; FMCSA-2009-0011; FMCSA-2009-0303; FMCSA-2010-0187; FMCSA-2010-0354; FMCSA-2010-0385; FMCSA-2011-0276; FMCSA-2011-0379; FMCSA-2012-0161; FMCSA-2012-0339; FMCSA-2013-0174; FMCSA-2014-0002; FMCSA-2014-0003; FMCSA-2014-0006; FMCSA-2014-0007; FMCSA-2014-0299; FMCSA-2014-0300; FMCSA-2016-0027; FMCSA-2016-0031; FMCSA-2016-0033; FMCSA-2016-0210; FMCSA-2016-0212; FMCSA-2018-0207. Their exemptions were applicable as of March 1, 2021, and will expire on March 1, 2023.

As of March 4, 2021, and in accordance with 49 U.S.C. 31136(e) and 31315(b), Ralph J. Miles (OR) has satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (67 FR 76439; 68 FR 10298; 70 FR 7545; 72 FR 7812; 74 FR 6689; 76 FR 9859; 78 FR 8689; 80 FR 7678; 82 FR 13043; 84 FR 16320).

This driver was included in docket number FMCSA-2002-13411. The exemption was applicable as of March 4, 2021, and will expire on March 4, 2023.

As of March 7, 2021, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following two individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (80 FR 6162; 80 FR 20562; 82 FR 13043; 84 FR 16320):

Steven D. Ellsworth (IL); and Richard A. Pierce (MO)

The drivers were included in docket number FMCSA-2014-0301. Their exemptions were applicable as of March 7, 2021, and will expire on March 7, 2023.

As of March 9, 2021, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following three individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (84 FR 2323; 84 FR 16336):

Henry J. Hughes (MN); Emmanuel A. Sepulveda (CA); and Nyrone Whyte (CT)

The drivers were included in docket number FMCSA-2018-0209. Their exemptions were applicable as of March 9, 2021, and will expire on March 9, 2023.

As of March 23, 2021, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following three individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (65 FR 78256; 66 FR 16311; 67 FR 76439; 68 FR 10298; 68 FR 13360; 70 FR 7545; 70 FR 12265; 72 FR 7812; 72 FR 11426; 73 FR 51689; 73 FR 63047; 74 FR 6689; 74 FR 8302; 75 FR 77949; 76 FR 9859; 76 FR 11215; 78 FR 8689; 78 FR 12822; 80 FR 15859; 82 FR 13043; 84 FR 16320):

Howard K. Bradley (VA); Thomas F. Marczewski (WI); and Wade D. Taylor (MO)

The drivers were included in docket numbers FMCSA-2000-8398; FMCSA-2002-13411; FMCSA-2008-0266. Their exemptions are applicable as of March 23, 2021, and will expire on March 23, 2023.

In accordance with 49 U.S.C. 31315(b), each exemption will be valid for 2 years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) the person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b).

Larry W. Minor,

Associate Administrator for Policy.